

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JANUARY 5, 2010
7:02 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Swenson approving the Council Consent Agenda with the exceptions of Item IV.j., authorizing the City's investment agreement and approving the statement of investment policy.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

STUDENTS RECOGNIZED Katie Romanow, 5416 Stauder Circle, explained why students were in attendance at the meeting.

POLICE CHIEF JEFF LONG INTRODUCED Manager Hughes introduced newly hired Police Chief Jeff Long and informed the Council of his work history with the City's Police Department and educational background. Police Chief Long stated that retired Police Chief Siitari had told him that he was very lucky to work for Edina and he agreed.

HENNEPIN COUNTY ATTORNEY PRESENTATION Hennepin County Attorney Mike Freeman complimented the excellent capabilities of the Edina Police Department. He updated the Council regarding the County's successful efforts with community prosecution, mortgage fraud, early intervention truancy programs, low crime trends in Edina, and Edina's success in combating crime. Mr. Freeman summarized action taken in two prosecution cases and commended the Council for providing the resources needed to the City's Police Department. Mayor Hovland thanked Mr. Freeman for his thorough report.

***MINUTES APPROVED – REGULAR MEETING OF DECEMBER 15, 2009** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the Regular Meeting of December 15, 2009.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARINGS HELD ON BA-359 BRAEMAR HILLS NEIGHBORHOOD ROADWAY IMPROVEMENTS, BA-375 BROR ROAD NEIGHBORHOOD ROADWAY IMPROVEMENTS, AND BA-376 MOCCASIN VALLEY ROAD NEIGHBORHOOD ROADWAY IMPROVEMENTS

Affidavits of Notice presented and ordered placed on file.

Assistant City Engineer Sullivan presented the revised feasibility reports for the Braemar Hills neighborhood, Bror Road neighborhood, and Moccasin Valley Road neighborhood roadway improvements. Mr. Sullivan presented estimated costs as follows: Braemar Hills neighborhood roadway improvement project at \$1,460,473.18; Bror Road neighborhood street reconstruction project at \$68,875.11; and, Valley Road neighborhood street reconstruction project at \$181,542.34. He advised that all projects included City owned utility repairs. In all projects, the roadway cost would be fully funded from a special assessment and all City owned utility repairs would be funded from the respective utility funds. Mr. Sullivan advised staff had analyzed these projects and found the projects were necessary, cost effective, and feasible from an engineering standpoint.

The Council discussed the roadway projects, methodology, and anticipated assessments. Mr. Sullivan answered questions of the Council and described the process used to gain public involvement and how resident's concerns were addressed. Public Works Director/City Engineer

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Houle advised the City did not anticipate any issues with City plowing or emergency vehicle access.

Mayor Hovland opened the public hearing at 7:46 p.m.

Public Testimony

Judy Edin, 7033 Valley View Road, addressed the Council.

Member Brindle made a motion, seconded by Member Housh, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

Mr. Houle addressed questions raised during public testimony. Finance Director Wallin explained the interest rate that would be charged, based on State Statute standards.

RESOLUTION NO. 2010-10 ADOPTED – ORDERING BRAEMAR HILLS NEIGHBORHOOD ROADWAY IMPROVEMENTS Member Swenson introduced and moved adoption of Resolution No. 2010-10, ordering improvement for Braemar Hills neighborhood street reconstruction, Improvement No. BA-359. Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2010-12 ADOPTED – ORDERING BROR ROAD NEIGHBORHOOD ROADWAY IMPROVEMENTS Member Brindle introduced and moved adoption of Resolution No. 2010-12, ordering improvement for Bror Road neighborhood street reconstruction, Improvement No. BA-375. Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2010-13 ADOPTED – ORDERING MOCCASIN VALLEY ROAD NEIGHBORHOOD ROADWAY IMPROVEMENTS Member Bennett introduced and moved adoption of Resolution No. 2010-13, ordering improvement for Moccasin Valley Road neighborhood street reconstruction, Improvement No. BA-376. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

PUBLIC HEARING HELD ON BA-362 PARKWOOD KNOLLS NEIGHBORHOOD ROADWAY IMPROVEMENTS – RESOLUTION NO. 2010-11 ADOPTED Affidavits of Notice presented and ordered placed on file.

Mr. Sullivan presented the feasibility report for the Parkwood Knolls neighborhood street reconstruction project. He advised that 22 residents out of 84 properties opposed the inclusion of curb and gutter and resident questionnaires indicated residents did not support the inclusion of sidewalks. Mr. Sullivan noted the project was estimated at \$1,657,423.94, which included City owned utility repairs. The roadway cost would be fully funded from a special assessment and all City owned utility repairs would be funded from the respective utility funds. Staff had analyzed the project and found it was necessary, cost effective, and feasible from an engineering standpoint.

The Council discussed the project and inclusion of curb and gutter, noting that cost would be funded by the City and not assessed. Mr. Sullivan answered questions of the Council about how safety issues could be addressed. It was noted that curb and gutter would still retain the neighborhood's rural character and better manage stormwater. The Council discussed the

purpose of sidewalk to provide connectivity. Mr. Houle explained the sidewalk was within the updated Comprehensive Plan; however, after further review with residents, staff would not support a sidewalk on Parkwood because it would not meet the City's financing policy based on roadway volume.

Mayor Hovland opened the public hearing at 8:12 p.m.

Public Testimony

William Donnelly, 6209 Parkwood Road, addressed the Council.

Robert Rusnak, 6232 Idylwood Lane, addressed the Council.

Mark Peterson, 6309 Knoll Drive South, addressed the Council.

Nick O'Hara, 6201 Knoll Drive South, addressed the Council.

Member Swenson made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Mr. Houle stated staff would always recommend bulkhead curb and gutter since it sustained less damage by snowplows and provided better stormwater management than surmountable curb, and met ADA standards. Mr. Sullivan addressed questions raised during public testimony and the Council. Mr. Houle explained how project estimates were calculated and noted that due to competitive bids the costs of recent projects had been less than estimated. He advised of difficulty in matching colored concrete should an area need to be patched. He stated the cost increase for colored concrete would be 10% and which would be assessed to benefiting properties. Following discussion and review of resident survey results, the Council indicated support for staff's recommendation for non-colored bulkhead curb and gutter.

Member Swenson introduced and moved adoption of Resolution No. 2010-11, ordering improvement for Parkwood Knolls neighborhood street reconstruction including bulkhead type curb and gutter, Improvement No. BA-362. Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

PUBLIC HEARING HELD ON INCREASING CERTAIN FEES – FIRST READING GRANTED OF ORDINANCE 2010-01 Affidavits of Notice presented and ordered placed on file.

Planning Director Teague reviewed the survey that identified how Edina's fees compared to other metropolitan area cities, noting that while Edina's fees were generally on the high end, it was the only city that held two formal public hearings. He explained the increase in the certificate of appropriateness fee reflected the new approval process required by the Heritage Preservation Board and associated charges incurred by the City's consultant. He recommended first reading of the draft ordinance.

The Council discussed the fees and asked questions of Mr. Teague. City Attorney Knutson advised the City could not set its fees higher than the actual costs. It was agreed that second reading would be considered as a consent agenda item pending written documentation by staff that the City's fees were appropriate. Staff was also asked to review the fee structure for residential alarms should the police department be required to make multiple trips to the property.

Mayor Hovland opened the public hearing at 8:47 p.m.

Public Testimony

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No one appeared to comment.

Member Housh made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Swenson made a motion, seconded by Member Bennett, to grant First Reading of Ordinance No. 2010-01, planning fees for 2010.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***AWARD OF BID – PURCHASE OF POLICE SQUAD CARS** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for four 2010 Ford Crown Victoria police interceptors to the recommended low bidder, Elk River Ford at \$91,708.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – SANDBLAST AND PAINT MAIN POOL – EDINA AQUATIC CENTER** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for the sandblast and paint of the main pool, Edina Aquatic Center, to the recommended low bidder, American Sandblasting, Inc. at \$34,500.00.

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – WEST 70TH STREET & METRO BOULEVARD MILL AND OVERLAY PROJECT** Motion made by Member Bennett and seconded by Member Swenson authorizing change order for West 70th Street and Metro Boulevard mill and overlay project, City Contract No. ENG 09-8, in the amount of \$23,310.74.

Motion carried on rollcall vote – five ayes.

MAYOR PRO TEM APPOINTED The Council agreed to discuss the method of Mayor Pro Tem appointment at an upcoming work session to assure equity in responsibility and work load. **Member Swenson made a motion, seconded by Member Bennett, to appoint Member Housh as Mayor Pro Tem for 2010.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2010-01 ADOPTED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2010-01, accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2010-02 ADOPTED – OFFICIAL NEWSPAPER DESIGNATED** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-02, designating official newspaper.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-03 ADOPTED – SIGNATORY DESIGNATED** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-03, signatory resolution.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-04 ADOPTED – SUBURBAN RATE AUTHORITY DIRECTOR/ALTERNATE DIRECTOR DESIGNATED** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-04, designating director and alternate director to Suburban Rate Authority.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-05 ADOPTED – LOGIS DIRECTOR/ALTERNATE DIRECTOR DESIGNATED** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-05, designating director and alternate director to LOGIS.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-06 ADOPTED – FACSIMILE SIGNATURE AUTHORIZED** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-06, authorizing use of facsimile signatures by public officials.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-07 ADOPTED – OFFICIAL DEPOSITORIES DESIGNATED** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-07, designating depositories.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-08 ADOPTED – EDINA FIRE RELIEF BOARD APPOINTED** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-08, designating municipal trustees of the Edina Firefighters Relief Association board of trustees.

Motion carried on rollcall vote – five ayes.

CITY'S INVESTMENT AGREEMENT AUTHORIZED AND STATEMENT OF INVESTMENT POLICY APPROVED – RESOLUTION 2010-09 ADOPTED Mr. Wallin answered the Council's questions about the impact of last year's economic events on the City's investment policy and practice to minimize the City's risk of exposure. The Council asked staff to provide a summary investment report when quarterly reports were provided. **Member Bennett introduced and moved adoption of Resolution No. 2010-09, authorizing investment agreement.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***COOPERATIVE AGREEMENT APPROVED FOR JOINT USE AND MAINTENANCE OF A VEHICLE** Motion made by Member Bennett and seconded by Member Swenson accepting a cooperative agreement between the City of Eden Prairie and the City of Edina for the joint use and maintenance of a fire department vehicle.

Motion carried on a roll call vote – five ayes.

ORDINANCE NO. 2009-15 ADOPTED – AMENDING UTILITY FEE CALCULATION METHODOLOGY Mr. Hughes advised the amendment included the 5% per quarter fee for unpaid balances and language regarding non-emergency termination of service. Attorney Knutson explained the terms of a non-emergency termination of service and recommended a revision to the first sentence of Section 1100.05, Subdivision 1, to indicate: "If the City wishes to terminate service for any reason other than emergency, the city staff shall seek specific authority from the City Council to initiate the termination process." **Member Housh made a motion, seconded by Member Bennett, to waive Second Reading adopting Ordinance No. 2009-15, amending the Edina city code subsections 1100 and 1120 utility fee calculation methodology, as revised.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

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***ENGINEERING SERVICE – WELLHEAD PROTECTION PLAN** Motion made by Member Bennett and seconded by Member Swenson authorizing City Manager to approve engineering proposal for the update to the Edina Wellhead Protection Plan.

Motion carried on rollcall vote – five ayes.

***ENGINEERING SERVICE – NEIGHBORHOOD ROADWAY PROJECT** Motion made by Member Bennett and seconded by Member Swenson authorizing City Manager to approve engineering proposal for the final plans and specifications for West 70th Street improvements.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-14 ADOPTED – ROUTE 3A SOUTHWEST LIGHT RAIL CORRIDOR ENDORCED** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-14, endorsing the recommendation of the Southwest Transitway Technical Advisory Committee concerning the recommendation for Route 3A as the locally preferred alternative for the Southwest Transitway.

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated December 17, 2009, and consisting of 25 pages: General Fund \$148,158.29; CDBG Fund \$79,072.00; Communications Fund \$125.00; Police Special Revenue \$1,134.61; Working Capital Fund \$19,492.18; Art Center Fund \$1,037.57; Golf Dome Fund \$1,301.17; Golf Course Fund \$18,192.72; Ice Arena Fund \$1,993.11; Edinborough/Centennial Lakes Fund \$10,204.21; Liquor Fund \$167,259.85; Utility Fund \$49,973.11; Storm Sewer Fund \$2,861.50; PSTF Agency Fund \$164.47; **TOTAL \$500,969.99** and for approval of payment of claims dated December 24, 2009, and consisting of 33 pages: General Fund \$135,007.30; Communications Fund \$7,224.33; Police Special Revenue \$155.56; Working Capital Fund \$1,445,795.05; Art Center Fund \$20,900.69; Golf Dome Fund \$4,698.84; Aquatic Center Fund \$115.32; Golf Course Fund \$7,053.87; Ice Arena Fund \$7,888.40; Edinborough/Centennial Lakes Fund \$15,469.06; Liquor Fund \$202,228.88; Utility Fund \$164,135.59; Storm Sewer Fund \$19,964.28; Recycling Fund \$32.33; PSTF Agency Fund \$631.79; **TOTAL \$2,031,301.29**; and for approval of payment of claims dated December 31, 2009, and consisting of 15 pages: General Fund \$48,507.75; Communications Fund \$2,786.92; Police Special Revenue \$320.00; Working Capital Fund \$47.12; Art Center Fund \$2,249.85; Golf Dome Fund \$2,537.11; Ice Arena Fund \$10,863.71; Edinborough/Centennial Lakes Fund \$3,955.80; Liquor Fund \$119,586.07; Utility Fund \$375,094.39; PSTF Agency Fund \$3,567.50; **TOTAL \$569,516.22**.

Motion carried on rollcall vote – five ayes.

ORDINANCE NO. 2010-2 GRANTED FIRST READING – AMENDING UTILITY FEES Mark Ruff, Ehlers & Associates, provided an overview of Ehler's analysis of the City's 2010 water utility billing structure and equity recommendations regarding the amount of the fixed fee, fee to commercial and residential users, and how to deal with Morningside. Mr. Ruff provided information related to the City's current fixed fee and recommended no change. He then addressed usage by type (commercial/residential) and explained why Ehlers recommended the commercial rate not be changed. Mr. Ruff reviewed their analysis of the rate charged to Morningside and concurred that \$.34, as adopted in August 2009 to be charged to Morningside water users, was a reasonable rate plus the fixed charge. Ehler's analysis found the City's overall rate structure was equitable.

The Council discussed its desire to determine the most equitable rate that covered capital costs. It questioned the cost to produce and distribute water, if the City was charging enough to pay for the cost of the system, and was charging in a way that met objectives. The Council discussed Ehler's

analysis and asked questions of Mr. Ruff who recommended a tiered rate for Morningside to comply with the State's requirement of rate structures that promote water conservation. It was noted that Morningside was paying the fixed rate the same as other water customers.

The Council discussed its reliance on the recommendation of City staff and its consultants. It was noted that the Council had previously received a recommendation by staff and now a recommendation by an outside consultant so the issue was worthy of consideration tonight. Mr. Wallin stated the utility rate analysis started almost a year ago: noting he had analyzed the rates in several ways, spent many hours in discussion with staff and other resources, and believed staff's recommendation resulted in a fair charge for the Morningside area. Mr. Wallin stated he felt it was fair when presented last summer and still believed it was a fair amount to charge.

The Council indicated it had been sensitive to what Morningside paid for water, noting those residents would not be charged above what would be paid if living on the other side of France Avenue. The question was raised whether the proposed rate treated residents equally and if more time should be allowed to gain input from Morningside residents.

Member Swenson's motion to accept 34 cents failed for lack of a second.

The Council further discussed staff's recommendation and noted the Morningside area had historically been charged a different rate which would still be the case. It was indicated that the Council was elected to make decisions for the entire community and support was expressed for City-wide application of tiered rates. Mr. Ruff explained the retail rate for Minneapolis was \$3.05 in 2010. He noted Edina's retail rate of \$1.89 plus 34 cents would equal \$2.13 per unit. If a fixed rate at 42 cents, the total would be \$2.65 for an average user. Thus, the average user would still pay substantially less than the retail rate for Minneapolis.

The Council considered whether the ordinance should contain language to address the rate charged by Minneapolis for Morningside. Mr. Wallin explained that in the past, Edina had set the Morningside rate later to take into consideration the rate being charged by Minneapolis. Mr. Hughes suggested language could indicate "but not less than the rate charged by Minneapolis."

Member Housh made a motion to grant First Reading of Ordinance No. 2010-02, amending utility fees. Member Brindle seconded the motion

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:25 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, January 19, 2010.

James B. Hovland, Mayor

Video Copy of the January 5, 2010, meeting available.